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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,948	07/29/2003	Wei Zhan Hang	33417/US	1775
20686	7590	09/19/2005	EXAMINER A, PHI DIEU TRAN	
DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,948

Applicant(s)

HANG, WEI ZHAN

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/3/04, 11/05/03</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 16 “extending are” is improper. Should it be “extending arm”?

Line 19 “si9de” is confusing.

Claim 2 line 1 “The system “ is indefinite as it is not consistent with the preamble of independent claim 1.

Claims 3-6 have the same problem as claim 2 above.

Claim 3 line 1 “wherein an are of“ is confusing.

Claim 5 line one “particularly a ceiling panel” is indefinite as it is confusing the scope of the claim.

Claim 6 is indefinite as it is unclear what applicant is trying to claim.

The claims are examined as best understood.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson et al(2882558).

Jacobson et al (figure 2) shows a paneling system having panels with improved hook shaped flanges (21, 24) on opposite sides of the panels and panel carriers (15) with improved arms adapted to hold the panels' flanges, the system comprising a plurality of adjacent, longitudinally extending panels (9), each pane having a pair of hook-like flanges on longitudinally opposite sides, each hook-like flange forming a downwardly open U-shaped channel above the bottom of the panel, a first hook like flange of each panel having an inwardly extending first top portion and at its free end, a downwardly extending first rim, a second hook-like flange of each panel having an outwardly extending second top portion and at its free end, a downwardly extending second rim, the second top portion being of substantially the same length, but slightly longer than the first top portion, the first rim being longitudinally spaced away from an adjacent side of the panel, a plurality of longitudinally spaced apart, parallel panel carriers (15) each carrier having a longitudinally extending arm with an upstanding free end (23) forming an upwardly open U-shaped channel, both the first and second top portion of a second on the opposite longitudinal side of an adjacent second panel being atop the arm of the carrier to attach the first and second panels to the carrier, the second top portion being atop the first top portion, the first rim on the first flange of each panel comprising a downwardly extending locking member with a downwardly and outwardly angled surface facing the adjacent side of the panel,

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the panels having on longitudinally opposite sides the first hook like flange and the second hook like flange.

5. Claims 1-2, 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobs (DE10042155).

Jacobs (figure 1) shows a paneling system having panels with improved hook shaped flanges (9b, 10b) on opposite sides of the panels and panel carriers (12) with improved arms adapted to hold the panels' flanges, the system comprising a plurality of adjacent, longitudinally extending panels (1, 2, 3), each pane having a pair of hook-like flanges on longitudinally opposite sides, each hook-like flange forming a downwardly open U-shaped channel above the bottom of the panel, a first hook like flange of each panel having an inwardly extending first top portion and at its free end, a downwardly extending first rim, a second hook-like flange of each panel having an outwardly extending second top portion and at its free end, a downwardly extending second rim, the second top portion being of substantially the same length, but slightly longer than the first top portion, the first rim being longitudinally spaced away from an adjacent side of the panel, a plurality of longitudinally spaced apart, parallel panel carriers (12) each carrier having a longitudinally extending arm with an upstanding free end (the part on the right hand side of part 10c) forming an upwardly open U-shaped channel, both the first and second top portion of a second on the opposite longitudinal side of an adjacent second panel being atop the arm of the carrier to attach the first and second panels to the carrier, the second top portion being atop the first top portion, the first rim on the first flange of each panel comprising a downwardly extending locking member with a downwardly and outwardly angled surface facing the adjacent

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side of the panel, the panels having on longitudinally opposite sides the first hook like flange and the second hook like flange.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson et al (2882558).

Jacobson et al shows all the claimed limitations except for the carrier comprising an upwardly extending locking lug that is longitudinally spaced away from the upstanding free end of the arm, the rims of the first and second panel attached to the carrier being on longitudinally opposite sides of the locking lugs.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Jacobson et al's structure to show the carrier comprising an upwardly extending locking lug that is longitudinally spaced away from the upstanding free end of the arm, the rims of the first and second panel attached to the carrier being on longitudinally opposite sides of the locking lugs because having the rims spacedly secured to the arm of the carrier per a locking lug would be functionally equivalent to having the rims securing on top of each other as the different locking positions provide the same locking capability to the structure.

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8. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (DE10042155).

Jacobs shows all the claimed limitations except for the carrier comprising an upwardly extending locking lug that is longitudinally spaced away from the upstanding free end of the arm, the rims of the first and second panel attached to the carrier being on longitudinally opposite sides of the locking lugs.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Jacobs's structure to show the carrier comprising an upwardly extending locking lug that is longitudinally spaced away from the upstanding free end of the arm, the rims of the first and second panel attached to the carrier being on longitudinally opposite sides of the locking lugs because having the rims spacedly secured to the arm of the carrier per a locking lug would be functionally equivalent to having the rims securing on top of each other as the different locking positions provide the same locking capability to the structure.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different ceiling panel assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A

9/15/05